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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,985	04/07/1999	DEAN J. BLACKKETTER	14531.82.4	6935

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WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER
PHAM, ROBERT T

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/287,985	Applicant(s) BLACKKETTER ET AL.	
	Examiner Robert T Pham	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-26 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 8-13, 15-21, 23-24, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Zigmond U.S. Patent 6,400,407.

Regarding claims 1, 19, 21, 26, Zigmond discloses an apparatus and method for communicating logical addresses in a data channel of a video signal, wherein:

Storing, in a receiver, an information resource identified by a first resource identifier is shown in Figure 6 (635), and described in column 10, lines 38-49. Here, the information resource is a batch mode link and its associated attribute/value pairs; and the batch mode link is identified by its URL, as described in column 7, lines 66-67.

Monitoring a data service channel of a broadcast signal for a script trigger, wherein the script trigger includes a second resource identifier and a script is described in column 10, lines 50-52. The data service channel is the VBI channel of the broadcast signal. The "script trigger" is the real-time link of the same format as the batch mode link described in column 7, lines 66-67. The second "resource identifier" is the URL of the real-time link, and the "script" is the associated attribute/value pairs that will be used later on to decide whether or not to merge the batch mode and real-time link, eg, by using the "priority" attribute/value, as described in column 11, lines 16-25. Therefore, the "script" updates the information resource as required by the claim since it contains the values that indicate whether an update is to be performed or not.

Executing the script on the receiver, upon receipt of the script trigger, if the second resource identifier matches the first resource identifier of the information resource is described in column 10, lines 6-67, and column 11, lines 1-25.

The script trigger complies with a predetermined syntax is described in column 7, lines 7-8.

A machine-readable medium having stored thereon data representing sequences of instructions, wherein the instructions, when executed by a processor, cause the processor to display an information resource identified by the first resource identifier is described in column 11, lines 1-15, wherein the EPG displays both the batch mode and real-time links.

Regarding claim 2, Zigmond discloses an apparatus and method, as claimed, wherein displaying the information resource stored in memory is described in column 11, lines 8-15.

Regarding claims 8-9, 23, Zigmond discloses an apparatus and method, as claimed, wherein, displaying a video portion of the broadcast signal, wherein the script trigger synchronizes the information resource with the video portion of the broadcast signal, and induces an enhancement of the information resource is shown in Figure 5, and described in column 9, lines 2-22, and column 7, lines 40-54. As described in the references cited above, the broadcast video is received and displayed on TV. At the same time, the logical link containing the URL and attribute/value pairs is extracted from the data service channel and an indication is provided to the viewers. The viewers may then select to view the content pointed to by the logical link concurrently with the TV broadcast, as described in column 3, lines 63-65.

Regarding claims 10, 24, Zigmond discloses an apparatus and method, as claimed, wherein the first and second resource identifiers are URLs are described in column 7, lines 7-8, and 66-67. The URL is used to uniquely identify each batch mode or real-time link.

Regarding claim 11, Zigmond discloses an apparatus and method, as claimed, wherein:

Synchronizing a broadcast signal and an information resource simultaneously residing on a plurality of remote receivers is described in the references cited for claims 8-9.

The method comprising:

a. embedding a script trigger in a data service channel. The script trigger includes a resource identifier and a script;

b. a broadcast signal;

is described in references cited for claims 1, 19, 21.

Regarding claim 12, Zigmond discloses an apparatus and method, as claimed, wherein the signal is broadcast to a second plurality of receivers, and wherein the information resource does not reside on the second plurality of receivers is shown in Figure 5, and described in column 8, lines 65-67, and column 9, lines 1-28. This is in contrast to Figure 7, where the information resource resides in the receivers, and upon receiving the real-time links, the logical link merging logic chooses between available logical links based upon predefined rules.

Regarding claim 13, Zigmond discloses an apparatus and method, as claimed, wherein the data service channel is a captioning service channel is described in column 6, line 67, and column 7, lines 1-6.

Regarding claims 15-16, Zigmond discloses an apparatus and method, as claimed, wherein the broadcast signal is NTSC video signal including a text or data service channel is described in column 5, lines 63-67, and column 6, lines 1-10.

Regarding claim 17, Zigmond discloses an apparatus and method, as claimed, wherein the broadcast video signal is selected from a group consisting of PAL, SECAM, HDTV, DVB, or ATSC is described in column 4, lines 23-32.

Regarding claim 18, Zigmond discloses an apparatus and method, as claimed, wherein generating a checksum for the resource identifier and the script and inserting the checksum into the script trigger is described in column 7, lines 7-8 and lines 66-67.

Regarding claim 20, Zigmond discloses an apparatus and method, as claimed, wherein a machine-readable medium having stored thereon data representing sequences of instructions, wherein the instructions, when executed by a processor, cause the processor to embed a script trigger in a data service channel of a signal, the script trigger includes a resource identifier to an information resource, and a script for updating the content of the information resource; and a broadcast signal is described in column 8, lines 52-64.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3-7, 14, 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond, in view of Douglis U.S. Patent 6,021,426.

Zigmond discloses an apparatus and method, as claimed, wherein the resource information is a logical link containing a URL and associated attribute/value pairs. The system processes the attribute/value pairs, such as title, priority, data and time, and

presents the viewers with the relevant logical link which the viewers may select to view the content.

Zigmond does not disclose:

The information resource is a web page;

The information resource comprises tags that define the context of the resource, wherein the script modifies the context;

The web page includes a second script;

The script is a fragment of a second script resident on the information resource;

The script fragment comprises a command to the second script;

The script passes a value to the second script.

Douglis discloses an apparatus and method for dynamic data transfer on a web page, wherein an original web page is defined as a combination of a static and a dynamic portion with the dynamic portion is indicated by a tag "VAR" and "DYNAMICS". Once the original web page is downloaded; the static portion remains unchanged; and the dynamic portion may be updated as needed. Thus, here:

The information resource (or, as referred to in the claims as the second script) is the original web page containing both static and dynamic portion, and it is described in column 3, lines 56-65;

The information resource comprises tags that define the context of the resource is also described in column 3, lines 56-65;

The script modifies the context of the information resource (or the script modifies the context of the second script);

The script is a fragment of a second script resident on the information resource;

The script fragment comprises a command to the second script;

The script passes a value to the second script;

is described in column 3, lines 56-65, and column 4, TABLE 1 (the value of time and count under tag <DYNAMICS> in the dynamic portion);

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Zigmond to include installing a web page containing a static and a dynamic portion; and then updating the dynamic portion as needed, as disclosed by Douglis, to enable content providers and/or broadcasters to provide viewers with the most updated information based on viewers' viewing preferences.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matz U.S. Patent 6,198,511 discloses an apparatus and method for identifying patterns in closed caption script.

Chernock U.S. Patent 6,314,569 discloses a system for video, audio, and graphic presentation in tandem with video/audio play.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T Pham whose telephone number is 703-305-4810. The examiner can normally be reached on M-F 7:30-5; every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

Robert Pham
July 22, 2002

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600